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THE BANKRUPT LAW.

An Act to establish a uniform system of bankruptcy throughout the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several district courts of the United States be, and they hereby are, constituted courts of bankruptcy, and they shall have original jurisdiction in their respective districts in all matters and proceedings in bankruptcy, and they are hereby authorized to hear and adjudicate upon the same according to the provisions of this act. The said courts shall be always open for the transaction of business under this act, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time, and a Judge sitting in chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court. And the jurisdiction hereby conferred shall extend to all cases and controversies arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy; to the collection of all the assets of the bankrupt; to the ascertainment and liquidation of the liens and other specific claims thereon; to the adjustment of the various priorities and conflicting interests of all parties; and to the marshaling and disposition of the different funds and assets so as to secure the rights of all parties and due distribution of the assets among all the creditors; and to all acts, matters, and things to be done under and in virtue of the bankruptcy, until the final distribution and settlement of the estate of the bankrupt, and the close of the proceedings in bankruptcy. The said courts shall have full authority to compel obedience to all orders and decrees passed by them in bankruptcy, by process of contempt and other remedial process, to the same extent that the circuit courts now have in any suit pending therein in equity. Said courts may sit for the tranaction of business in bankruptcy at any place in the district, of which place, and the time of holding court, they shall have given notice, as well as at the places designated by law for holding such courts.

SECTION 2. *And be it further enacted,* That the several Circuit Courts of the United States within and for the districts where the proceedings in bankruptcy shall be pending shall have a general superintendence and jurisdiction of all cases and questions arising under this act; and except when special provision is otherwise made may, upon bill, petition, or other proper process, of any party aggrieved, hear and determine the case as a court of equity. The powers and jurisdiction hereby granted may be exercised either by said court, or by any justice thereof, in term time or vacation. Said Circuit Courts shall also have concurrent jurisdiction with the District Courts of the same district of all suits at law or in equity which may or shall be brought by the assignee in bankruptcy against any person claiming an adverse interest, or by such person against such assignee, touching any property or rights of property of said bankrupt transferable to or vested in such assignee; but no suit at law or in equity shall in any case be maintainable by or against such assignee, or by or against any person claiming an adverse interest, touching the property and rights of property aforesaid, in any court whatsoever, unless the same shall be brought within two years from the time the cause of action accrued for or against such assignee: *Provided,* That nothing herein contained shall revive a right of action barred at the time such assignee is appointed.

OF THE ADMINISTRATION OF THE LAW IN COURTS OF BANKRUPTCY.

SECTION 3. *And be it further enacted,* That it shall be the duty of the Judges of the District Courts of the United States within and for the several districts to appoint in each congressional district in said districts, upon the nomination and recommendation of the Chief Justice of the Supreme Court of the United States, one or more registers in bankruptcy, to assist the Judge of the District Court in the performance of his duties under this act. No person shall be eligible to such appointment unless he be a counsellor of said court or of some one of the courts of record of the State in which he resides. Before entering upon the duties of his office every person so appointed a register in bankruptcy shall give a bond to the United States, with condition that he will faithfully discharge the duties of his office, in a sum not less than $1,000, to be fixed by said court, with sureties satisfactory to said court, or to either of the said justices thereof; and he shall, in open court, take and subscribe the oath prescribed in the act entitled "An act to prescribe an oath of office, and for other purposes," approved July 2, 1862, and also that he will not, during his continuance in office be, directly or indirectly interested in or benefited by the fees or emoluments arising from any suit or matter pending in bankruptcy in either the District or Circuit Court in his district.

SECTION 4. *And be it further enacted,* That every register in bankruptcy, so appointed and qualified, shall have power, and it shall be his duty to make adjudication of bankruptcy, to receive the surrender of any bankrupt, to administer oaths in all proceedings before him, to hold and preside at meetings of creditors, to take proof of debts, to make all computations of dividends, and all orders of distribution, and to furnish the assignees with a certified copy of such orders and of the schedules of creditors and assets filed in each case, to audit and pass accounts of assignees, to grant protection, to pass the last examination of any bankrupt in cases whenever the assignee or a creditor do not oppose, and to sit in chambers and dispatch there such part of the administrative business of the court and such uncontested matters as shall be defined in general rules and orders, or as the district judge shall in any particular matter direct; and he shall also make short memoranda of his proceeding in each case in which he shall act, in a docket to be kept by him for that purpose, and he shall forthwith, as the proceedings are taken, forward to the Clerk of the District Court a certified copy of said memoranda, which shall be entered by said clerk in the proper minute book to be kept in his office, and any register of the court may act for any other register thereof: *Provided, however,* That nothing in this section contained shall empower a register to commit for contempt, or to hear a disputed adjudication, or any question of the allowance or suspension of an order of discharge; but in all matters where an issue of facts or of law is raised and contested by any party to the proceedings before him, it shall be his duty to cause the question or issue to be stated by the opposing parties in writing, and he shall adjourn the same into court for decision by the judge. No register shall be of counsel or attorney, either in or out of court, in any suit or matter pending in banksuptcy in either the Circuit or District Court of his district, or in an appeal therefrom; nor shall he be executor, administrator, guardian, commissioner, appraiser, divider, or assignee of or upon any estate within the jurisdiction of either of said courts of bankruptcy, nor be interested in the fees or emoluments arising from either of said trusts. The fees of said registers, as established by this act, and by the general rules and orders required to be framed under it, shall be paid to them by the parties for whom the services may be rendered in the course of proceedings authorized by this act.

SECTION 5. *And be it further enacted,* That the Judge of the District Court may direct a register to attend at any place within the district for the purpose of hearing such voluntary applications under this act as may not be opposed, of attending any meeting of creditors or receiving any proofs of debts, and, generally, for the prosecution of any bankruptcy or other proceedings under this act; and the travelling and incidental expenses of such register, and of any clerk or other officer attending him, incurred in so acting, shall be settled by said court in accordance with the rules prescribed under the tenth section of this act, and paid out of the assets of the estate in respect of which such register has so acted; or if there be no such assets, or if the assets shall be insufficient, then such expenses shall form a part of the costs in the case or cases in which the register shall have acted in such journey, to be apportioned by the Judge; and such register, so acting, shall have and exercise all powers, except the power of commitment, vested in the District Court for the summoning and examination of persons or witnesses, and for requiring the production of books, papers, and documents: *Provided, always,* That all depositions of persons and witnesses taken before said register, and all acts done by him, shall be reduced to writing and be signed by him, and shall be filed in the Clerk's office as a part of the proceedings. Such register shall be subject to removal by the Judge of the District Court, and all vacancies occurring by such removal, or by resignation, change of residence, death, or disability, shall be promptly filled by other fit persons, unless said court shall deem the continuance of the particular office unnecessary.

SECTION 6. *And be it further enacted,* That any party shall, during the proceedings before a register, be at liberty to take the opinion of the District Judge upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the register in the shape of a short certificate to the Judge, who shall sign the same if he approve thereof; and such certificate, so signed, shall be binding on all the parties to the proceeding; but every such certificate may be discharged or varied by the Judge at chambers, or in open court. In any bankruptcy, or in any other proceedings within the jurisdiction of the court under this act, the parties concerned, or submitting to such jurisdiction, may at any stage of the proceedings, by consent, state any question or questions in a special case for the opinion of the court; and the judgment of the court shall be final, unless it be agreed and stated in such special case that either party may appeal, if, in such case, an appeal is allowed by this act. The parties may also, if they think fit, agree that, upon the question or questions raised by such special case being finally decided, a sum of money, fixed by the parties, or to be ascertained by the court, or in such manner as the court may direct, or any property, or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them either with or without costs.

SECTION 7. *And be it further enacted,* That parties and witnesses summoned before a register shall be bound to attend in pursuance of such summons at the place and time designated therein, and shall be entitled to protection, and be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpœna; and all persons willfully and corruptly swearing or affirming falsely before a register shall be liable to all the penalties, punishments, and consequences of perjury. If any person examined before a register shall refuse or decline to answer, or to swear to or sign his examination when taken, the register shall refer the matter to the Judge, who shall have power to order the person so acting, to pay the costs thereby occasioned, if such person be compellable by law to answer such question or to sign such examination, and such person shall also be liable to be punished for contempt.

OF APPEALS AND PRACTICE.

SECTION 8. *And be it further enacted,* That appeals may be taken from the District to the Circuit Courts in all cases in equity, and writs of error may be allowed to said Circuit Courts from said District Courts in cases at law under the jurisdiction created by this act, when the debt or damages claimed amount to more than $500; and any supposed creditor whose claim is wholly or in part rejected, or an assignee who is dissatisfied with the allowance of a claim, may appeal from the decision of the District Court to the Circuit Court for the same district; but no appeal shall be allowed in any case from the District to the Circuit Court unless it is claimed, and notice given thereof to the clerk of the District Court, to be entered with the record of the proceedings and also to the assignee or creditor, as the case may be, or to the defeated party in equity, within ten days after the entry of the decree or decision appealed from.—The appeal shall be entered at the term of the Circuit Court which shall be first held within and for the district next after the expiration of ten days from the time of claiming the same. But if the appellant, in writing, waives his appeal before any decision thereon, proceedings may be had in the District Court as if no appeal had been taken, and no appeal shall be allowed unless the appellant at the time of claiming the same shall give bond in manner now required by law in cases of such appeals. No writ of error shall be allowed unless the party claiming it shall comply with the statutes regulating the granting of such writs.

SECTION 9. *And be it further enacted,* That in cases arising under this act no appeal or writ of error shall be allowed in any case from the Circuit Courts to the Supreme Court of the United States, unless the matter in dispute in such case shall exceed $2,000.

SECTION 10. *And be it further enacted,* That the Justices of the Supreme Court of the United States, subject to the provisions of this act, shall frame general orders for the following purposes:

For regulating the practice and procedure of the District Courts in bankruptcy, and the several forms of petitions, orders, and other proceedings to be used in said courts in all matters under this act;

For regulating the duties of the various officers of said courts;

For regulating the fees payable, and the charges and costs to be allowed, except such as are established by this act or by law with respect to all proceedings in bankruptcy before said courts not exceeding, the rate of fees now allowed by law for similar services in other proceedings;

For regulating the practice and procedure upon appeals;

For regulating the filing, custody, and inspection of records;

And generally for carrying the provisions of this act into effect.

After such general orders have been so framed, they, or any of them, may be rescinded or varied, and other general orders may be framed in manner aforesaid, and all such general orders so framed shall, from time to time, be reported to Congress, with such suggestions as said justices may think proper.

VOLUNTARY BANKRUPTCY—COMMENCEMENT OF PROCEEDINGS.

SECTION 11. *And be it further enacted,* That if any person residing within the jurisdiction of the United States owing debts provable under this act exceeding the amount of $300 shall apply by petition, addressed to the Judge of the Judicial District in which such debtor has resided or carried on business for the six months next immediately preceding the time of filing such petition, or for the longest period during such six months, setting forth his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain the benefit of this act, and shall annex to his petition a schedule, verified by oath before the court or before a register in bankruptcy, or before one of the Commissioners of the Circuit Court of the United States, containing a full and true statement of all his debts, and, as far as possible, to whom due, with the place of residence of each creditor, if known to the debtor, and if not known, the fact to be so stated, and the sum due to such creditor; also the nature of each debt or demand, whether founded on written security, obligation, contract, or otherwise, and also the true cause and consideration of such indebtedness in each case, and the place where such indebtedness accrued, and a statement of any existing mortgage, pledge, lien, judgment, or collateral or other security given for the payment of the same; and shall also annex to his petition an accurate inventory, verified in like manner, or all his estate, both real and personal, assignable under this act, describing the same, and stating where it is situated, and whether there are any, and if so what, incumbrances thereon, the filing of such petition shall be an act of bankruptcy, and such petitioner shall be adjudged a bankrupt. *Provided,* That all citizens of the United States petitioning to be declared bankrupt shall, on filing such petition, and before any proceedings thereon, take and subscribe an oath of allegiance and fidelity to the United States, which oath shall be filed and recorded with the proceedings in bankruptcy. And the Judge of the District Court, or if there be no opposing party, any register of said court, to be designated by the Judge, shall forthwith, if he be satisfied that the debts due from the petitioner exceed $300, issue a warrant, to be signed by such Judge or register, directed to the marshal of said district, authorizing him forthwith, as messenger, to publish notices in such newspapers as the warrant specifies; to serve written or printed notice, by mail or personally, on all creditors upon the schedule filed with the debtor's petition, or whose names may be given to him, in addition, by the debtor, and to give such personal or other notice to any persons concerned as the warrant specifies, which notice shall state:

First.—That a warrant in bankruptcy has been issued against the estate of the debtor.

Second.—That the payment of any debts and the delivery of any property belonging to such debtor to him or for his use, and the transfer of any property by him, are forbidden by law.

Third.—That a meeting of the creditors of the debtor, giving the names, residences, and amounts so far as known, to prove their debts and choose one or more assignees of his estate, will be held at a Court of Bankruptcy, to be holden at a time and place designated in the warrant, not less than ten nor more than ninety days after the issuing of the same.

OF ASSIGNMENTS AND ASSIGNEES.

SECTION 12. *And be it further enacted,* That at the meeting held in pursuance of the notice one of the registers of the court shall preside, and the messenger shall make return of the warrant and of his doings thereon; and if it appears that the notice to the creditors has not been given as required in the warrant, the meeting shall forthwith be adjourned and a new notice given as required If the debtor dies after the issuing of the warrant, the proceedings may be continued and concluded in like manner as if he had lived.

SECTION 13. *And be it further enated,* That the creditors shall, at the first meeting held after due notice from the messenger, in presence of a register designated by the court, choose one or more assignees of the estate of the debtor; the choice to be made by the greater part in value and in number of the creditors who have proved their debts. If no choice is made by the creditors at said meeting, the judge, or, if there be no opposing interest, the register shall appoint one or more assignees. If an assignee so chosen or appointed, fails within five days to express in writing his acceptance of the trust, the judge or register may fill the vacancy. All elections or appointments of assignees shall be subject to the approval of the judge; and when in his judgment it is for any cause needful or expedient, he may appoint additional assignees, or order a new election. The judge at any time may, and upon the request in writing of any creditor who has proved his claim, shall require the assignee to give good and sufficient bond to the United States, with a condition for the faithful performance and discharge of his duties; the bond shall be approved by the judge or register by his endorsement thereon, shall be filed with the record of the case, and inure to the benefit of all creditors proving their claims, and may be prosecuted in the name and for the benefit of the injured party. If the assignee fails to give the bond within such time as the judge orders, not exceeding ten days after notice to him of such order, the judge shall remove him an appoint another in his place.

SECTION 14. *And be it further enacted,* That as soon as said assignee is appointed and qualified, the judge, or, where there is no opposing interest, the register, shall, by an instrument under his hand, assign and convey to the assignee all the estate, real and personal, of the bankrupt, with all his deeds, books, and papers relating thereto, and such assignment shall relate back to the commencement of said proceedings in bankruptcy, and thereupon, by operation of law, the title to all such property and estate, both real and personal, shall vest in said assignee, although the same is then attached on mesne process as the property of the debtor, and shall dissolve any such attachment made within four months next preceding the commencement of said proceedings: *Provided, however,* That there shall be excepted from the operation of the provisions of this section the necessary household and kitchen furniture and such other articles and necessaries of such bankrupt as the said assignee shall designate and set apart, having reference in the amount to the family condition, and circumstances of the bankrupt, but altogether not to exceed in value, in any case, the sum of $500; and also the wearing apparel of such bankrupt, and that of his wife and children, and the uniform, arms, and equipments of any person who is or has been a soldier in the militia or in the service of the United States; and such other property as now is, or hereafter shall be, exempted from attachment, or seizure, or levy on execution by the laws of the United States, and such other property not included in the foregoing exceptions as is exempted from levy and sale upon execution or other process or order of court, by the laws of the State in which the bankrupt has his domicil at the time of the commencement of the proceedings in bankruptcy to an amount not exceeding that allowed by such State exemption laws in force in the year 1864: *Provided,* That the foregoing exception shall operate as a limitation upon the conveyance of the property of the bankrupt to his assignees, and in no case shall the property hereby excepted pass to the assignees, or the title of the bankrupt thereto be impaired or affected by any of the provisions of this act; and the determination of the assignee in the matter shall, on exception taken, be subject to the final decision of the said court: *And provided further,* That no mortgage of any vessel or of any other goods or chattels, made as security for any debt or debts, in good faith and for present considerations and otherwise valid, and duly recorded, pursuant to any statute of the United States, or any State, shall be invalidated or affected hereby; and all the property conveyed by the bankrupt in fraud of his creditors; all rights in equity, choses in action, patents, and patent rights, and copyrights; all debts due him, or any person for his use, and all liens and securities therefor; and all his rights of action for property or estate, real or personal, and for any cause of action which the bankrupt had against any person arising from contract or from the unlawful taking or detention, or of injury to the property of the bankrupt; and all his rights of redeeming such property or estate, with the like right, title, power, and authority to sell, manage, dispose of, sue for, and recover or defend the same as the bankrupt might or could have had if no assignment had been made, shall, in virtue of the adjudication of bankruptcy and the appointment of his assignee, be at once vested in such assignee; and he may sue for and recover the said estate, debts, and effects, and may prosecute and defend all suits at law or in equity pending at the time of the adjudication of bankruptcy in which such bankrupt is a party in his own name, in the same manner and with the like effect as they might have been presented or defended by such bankrupt; and a copy duly certified by the clerk of the court under the seal thereof, of the assignment made by the judge or register, as the case may be, to him as assignee, shall be conclusive evidence of his title as such assignee to take, hold, sue for, and recover the property of the bankrupt, as hereinbefore mentioned; but no property held by the bankrupt in trust shall pass by such assignment. No person shall be entitled to maintain an action against an assignee in bankruptcy for anything done by him as such assignee, without previously giving twenty days' notice of such action, specifying the cause thereof, to the end that such assignee may have an opportunity of tendering amends, should he see fit to do so. No person shall be entitled, as against the assignee, to withhold from his possession of any books of account of the bankrupt, or claim any lien thereof; and no suit in which the assignee is a party shall be abated by his death or removal from office, but the same may be prosecuted and defended by his successor, or by the surviving or remaining assignee, as the case may be. The assignee shall have authority, under the order and direction of the court, to redeem or discharge any mortgage or conditional contract, or pledge, or deposit, or lien upon any property, real or personal, whenever payable, and to tender due performance of the condition thereof, or to sell the same subject to such mortgage, lien, or other incumbrances. The debtor shall also, at the request of the assignee, and at the expense of the estate, make and execute any instruments, deeds, and writings which may be proper to enable the assignee to possess himself fully of all the assets of the bankrupt. The assignee shall immediately give notice of his appointment, by publication at least once a week for three successive weeks, in such newspapers as shall, for that purpose, be designated by the court, due regard being had to their general circulation in the district, or in that portion of the district in which the bankrupt and his creditors shall reside, and shall, within six months, cause the assignment to him to be recorded in every registry of deeds or other office within the United States where a conveyance of any lands owned by the bankrupt ought by law to be recorded; and the record of such assignment, or a duly certified copy thereof, shall be evidence thereof in all courts.

SECTION 15. *And be it further enacted,* That the assignee shall demand and receive from any and all persons holding the same all the estate assigned, or intended to be assigned, under the provisions of this act; and he shall sell all such unincumbered estate, real and personal, which comes to his hands, on such terms as he thinks most for the interest of the creditors; but upon petition of any person interested, and for cause shown, the court may make such order concerning the time, place, and manner of sale as will, in its opinion, prove to the interest of the creditors; and the assignee shall keep a regular account of all money received by him as assignee, to which every creditor shall, at reasonable times, have a free resort.

SECTION 16. *And be it further enacted,* That the assignee shall have the like remedy to recover all said estate, debts, and effects in his own name, as the debtor might have had if the decree in bankruptcy had not been rendered and no assignment had been made. If at the time of the commencement of proceedings in bankruptcy an action is pending in the name of the debtor for the recovery of a debt or other thing which might or ought to pass to the assignee by the assignment, the assignee shall, if he requires it, be admitted to prosecute the action in his own name, in like manner and with like effect as if it had been originally commenced by him. No suit pending in the name of the assignee shall be abated by his death or removal; but upon the motion of the surviving, or remaining, or new assignee, as the case may be, he shall be admitted to prosecute the suit in like manner and with like effect as if it had been originally commenced by him. In suits prosecuted by the assignee, a certified copy of the assignment made to him by the judge or register shall be conclusive evidence of his authority to sue.

SECTION 17. *And be it further enacted,* That the assignee shall, as soon as may be after receiving any money belonging to the estate, deposit the same in some bank in his name as assignee, or otherwise keep it distinct and apart from all other money in his possession; and shall, as far as practicable, keep all goods and effects belonging to the estate separate and apart from all other goods in his possession, or designated by appropriate marks, so that they may be easily and clearly distinguished, and may not be exposed or liable to be taken as his property or for the payment of his debts. When it appears that the distribution of the estate may be delayed by litigation or other cause, the court may direct the temporary investment of the money belonging to such estate in securities to be approved by the Judge or a register of said court, or may authorize the same to be deposited in any convenient bank, upon such interest, not exceeding the legal rate, as the bank may contract with the assignee to pay thereon. He shall give written notice to all known creditors, by mail or otherwise, of all dividends, and such notice of meetings, after the first, as may be ordered by the court He shall be allowed, and may retain, out of money in his hands, all the necessary disbursements made by him in the discharge of his duty, and a reasonable compensation for his services, in the discretion of the court. He may, under the direction of the court, submit any controversy arising in the settlement of demands against the estate, or of debts due to it, to the determination of arbitrators, to be chosen by him and the other party to the controversy, and may, under such direction, compound and settle any such controversy, by agreement with the other party, as he thinks proper and most for the interest of the creditors.

SECTION 18. *And be it further enacted,* That the courts, after due notice and hearing, may remove an assignee for any cause which, in the judgment of the court, renders such removal necessary or expedient. At a meeting called by order of the court, in its discretion, for the purpose, or which shall be called upon the application of a majority of the creditors in number and value, the creditors may, with consent of the court, remove any assignee by such a vote as is herein before provided for the choice of assignee. An assignee may, with the consent of the judge, resign his trust and be discharged therefrom. Vacancies caused by death or otherwise in the office of assignee may be filled by appointment of the court, or, at its discretion, by an election by the creditors, in the manner herein before provided, at a regular meeting, or at a meeting called for the purpose, with such notice thereof in writing to all known creditors, and by such person, as the court shall direct. The resignation or removal of an assignee shall in no way release him from performing all things requisite on his part for the proper closing up of his trust and the transmission thereof to his successors, nor shall it affect the liability of the principal or surety on the bond given by the assignee. When, by death or otherwise, the number of assignees is reduced, the estate of the debtor not lawfully disposed of, shall vest in the remaining assignee or assignees, and the persons selected to fill vacancies, if any, with the same powers and duties relative thereto as if they were originally chosen. Any former assignee, his executors or administrators, upon request, and at the expense of the estate, shall make and execute to the new assignee all deeds, conveyances, and assurances, and do all other lawful acts requisite to enable him to recover and receive all the estate. And the court may make all orders which it may deem expedient to secure the proper fulfilment of the duties of any former assignee, and the rights and interests of all persons interested in the estate. No person who has received any preference contrary to the provisions of this act shall vote for or be eligible as assignee; but no title to property, real or personal, sold, transferred, or conveyed by an assignee, shall be affected or impaired by reason of his ineligibility. An assignee refusing or unreasonably neglecting to execute an instrument when lawfully required by the court, or disobeying a lawful order or decree of the court in the premises, may be punished as for a contempt of court.

OF DEBTS AND PROOF OF CLAIMS.

SECTION 19 *And be it further enacted,* That all debts due and payable from the bankrupt at the time of the adjudication of bankruptcy, and all debts then existing but not payable until a future day, a rebate of interest being made when no interest is payable by the terms of contract, may be proved against the estate of the bankrupt. All demands against the bankrupt for or on account of any goods or chattels wrongfully taken, converted, or withheld by him may be proved and allowed as debts to the amount of the value of the property so taken or withheld, with interest. If the bankrupt shall be bound as drawer, endorsor, surety, bail, or guarantor upon any bill, bond, note, or any other specialty or contract, or for any debt of another person, and his liability shall not have become absolute until after the adjudication of bankruptcy, the creditor may prove the same after such liability shall have become fixed, and before the final dividend shall have been declared. In all cases of contingent debts and contingent liabilities contracted by the bankrupt, and not herein otherwise provided for, the creditor may make claim therefor, and have his claim allowed, with the right to share in the dividends, if the contingency shall happen before the order for the final dividend; or he may at any time apply to the court to have the present value of the debt or liability ascertained and liquidated, which shall then be done in such manner as the court shall order, and he shall be allowed to prove for the amount so ascertained.—Any person liable as bail, surety, guarantor, or otherwise for the bankrupt, who shall have paid the debt, or any part thereof in discharge of the whole, shall be entitled to prove such debt, or to stand in the place of the creditor if he shall have proved the same, although such payments shall have been made after the proceedings in bankruptcy were commenced. And any person so liable for the bankrupt, and who has not paid the whole of said debt, but is still liable for the same or any part thereof, may, if the creditor shall fail or omit to prove such debt, prove the same either in the name of the creditor or otherwise, as may be provided by the rules, and subject to such regulations and limitations as may be established by such rules. Where the bankrupt is liable to pay rent, or other debt falling due at fixed and stated periods, the creditor may prove for a proportionate part thereof up to the time of the bankruptcy, as if the same grew due from day to day, and not at such fixed and stated periods. If any bankrupt shall be liable for unliquidated damages arising out of any contract or promise, or on account of any goods or chattels wrongfully taken, converted, or withhold, the court may cause such damages to be assessed in such mode as it may deem best, and the sum so assessed may be proved against the estate. No debts other than those above specified shall be proved or allowed against the estate.

SECTION 20. *And be it further enacted,* That in all cases of mutual debts or mutual credits between the parties, the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed or paid; but no set-off shall be allowed of a claim in its nature not provable against the estate; *Provided,* That no set-off shall be allowed in favor of any debtor to the bankrupt of a claim purchased by or transferred to him after the filing of the petition. When a creditor has a mortgage or pledge of real or personal property of the bankrupt, or a lien thereon for securing the payment of a debt owing to him from the bankrupt, he shall be admitted as a creditor only for the balance of the debt after deducting the value of such property, to be ascertained by agreement between him and the assignee, or by a sale thereof, to be made in such manner as the court shall direct; or the creditor may release or convey his claim to the assignee upon such property and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the bankrupt's right of redemption therein on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon; and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not so sold or released and delivered up, the creditor shall not be allowed to prove any part of his debt.

SECTION 21. *And be it further enacted,* That no creditor proving his debt or claim shall be allowed to maintain any suit at law or in equity therefor against the bankrupt, but shall be deemed to have waived all right of action and suit against the bankrupt, and all proceedings already commenced, or unsatisfied judgments already obtained thereon, shall be deemed to be discharged and surrendered thereby; and no creditor whose debt is provable under this act shall be allowed to prosecute to final judgment any suit at law or in equity therefor against the bankrupt, until the question of the debtor's discharge shall have been determined; and any such suit or proceedings shall, upon the application of the bankrupt, be stayed to await the determination of the Court in bankruptcy on the question of the discharge, provided there be no unreasonable delay on the part of the bankrupt in endeavoring to obtain his discharge, and provided, also, that if the amount due the creditor is in dispute, the suit, by leave of the Court in bankruptcy, may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proved in bankruptcy, but execution shall be stayed as aforesaid. If any bankrupt shall, at the time of adjudication, be liable upon any bill of exchange, promissary note, or other obligation in respect of distinct contracts, as a member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader and also as a member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

SECTION 22. *And be it further enacted,* That all proof of debts against the estate of the bankrupt, by or in behalf of creditors residing within the judicial district where the proceedings in bankruptcy are pending, shall be made before one of the Registers of the Court in said district, and by or in behalf of non-resident debtors before any Register in bankruptcy in the judicial district where such creditors, or either of them, reside, or before any Commissioner of the Circuit Court authorized to administer oaths in any district. To entitle a claimant against the estate of a bankrupt to have his demand allowed, it must be verified by a deposition in writing on oath or solemn affirmation before the proper Register or Commissioner, setting forth the demand, the consideration thereof, whether any and what securities are held therefor, and whether any and what payments have been made thereon; that the sum claimed is justly due from the bankrupt to the claimant; that the claimant has not, nor has any other person for his use, received any security or satisfaction whatever other than that by him set forth; that the claim was not procured for the purpose of influencing the proceedings under this act, and that no bargain or agreement, express or implied, has been made or entered into, by or on behalf of such creditor, to sell, transfer, or dispose of the said claim, or any part thereof, against such bankrupt, or take or receive, directly or indirectly, any money, property, or consideration whatever, whereby the vote of such creditor for assignee, or any action on the part of such creditor or any other person in the proceedings under this act, is or shall be in any way affected, influenced, or controlled, and no claim shall be allowed unless all the statements set forth in such deposition shall appear to be true. Such oath or solemn affirmation shall be made by the claimant testifying of his own knowledge, unless he is absent from the United States or prevented by some other good cause from testifying, in which cases the demand may be verified in like manner by the attorney or authorized agent of the complainant testifying to the best of his knowledge, information, and belief, and setting forth his means of knowledge, or if in a foreign country, the oath of the creditor may be taken before any minister, consul, or vice-consul of the United States; and the court may, if it shall see fit, require or receive further pertinent evidence, either for or against the admission of the claim. Corporations may verify their claims by the oath or solemn affirmation of their president, cashier, or treasurer. If the proof is satisfactory to the Register or Commissioner, it shall be signed by the deponent, and delivered or sent by mail to the assignee, who shall examine the same and compare it with the books and accounts of the bankrupt, and shall register in a book to be kept by him for that purpose, the names of creditors who have proved their claims, in the order in which such proof is received, stating the time of receipt of such proof and the amount and nature of the debts, which books shall be open to the inspection of all the creditors. The court may, on the application of the assignee, or of any creditor, or of the bankrupt, or without any application, examine upon oath the bankrupt, or any person tendering or who has made proof of claims, and may summon any person capable of giving evidence concerning such proof, or concerning the debt sought to be proved, and shall reject all claims not duly proved, or where the proof shows the claim to be founded in fraud, illegality, or mistake.

SECTION 23. *And be it further enacted,* That when a claim is presented for proof before the election of the assignee, and the Judge entertains doubts of its validity, or of the right of the creditor to prove it, and is of opinion that such validity or right ought to be investigated by the assignee, he may postpone the proof of the claim until the assignee is chosen. Any person who, after the approval of this act, shall have accepted any preference, having reasonable cause to believe that the same was made or given by the debtor contrary to any provision of this act, shall not prove the debt or claim on account of which the preference was made or given, nor shall he receive any dividend therefrom until he shall first have surrendered to the assignee all property, money, benefit, or advantage, received by him under such preference. The court shall allow all debts duly proved, and shall cause a list thereof to be made and certified by one of the Registers; and any creditor may act at all meetings by his duly constituted attorney the same as though personally present.

SECTION 24. *And be it further enacted,* That a supposed creditor who takes an appeal to the Circuit Court from the decision of the District Court rejecting his claim, in whole or in part, shall, upon entering his appeal in the Circuit Court, file in the Clerk's office thereof a statement in writing of his claim, setting forth the same, substantially, as in a declaration for the same cause of action at law, and the assignee shall plead or answer thereto in like manner, and like proceedings shall thereupon be had in the pleadings, trial, and termination of the cause, as in an action at law commenced and prosecuted in the usual manner in the courts of the United States, except that no execution shall be awarded against the assignee for the amount of a debt found due to the creditor. The final judgment of the Court shall be conclusive, and the list of debts shall, if necessary, be altered to conform thereto. The party prevailing in the suit shall be entitled to costs against the adverse party, to be taxed and recovered as in suits at law; if recovered against the assignee they shall be allowed out of the estate. A bill of exchange, promissory note, or other instrument used in evidence upon the proof of a claim, and left in Court, and deposited in the Clerk's office, may be delivered by the Register or Clerk having the custody thereof to the person who used it, upon his filing a copy thereof, attested by the Clerk of the Court, who shall endorse upon it the names of the party against whose estate it has been proved, and the date and amount of any dividend declared thereon.

OF PROPERTY PERISHABLE AND IN DISPUTE.

SECTION 25. *And be it further enacted,* That when it appears to the satisfaction of the court that the estate of the debtor, or any part thereof, is of a perishable nature, or liable to deteriorate in value, the court may order the same to be sold, in such manner as may be deemed most expedient, under the direction of the messenger or assignee, as the case may be, who shall hold the funds received in place of the estate disposed of; and whenever it appears to the satisfaction of the Court that the title to any portion of an estate, real or personal which has come into possession of the assignee, or which is claimed by him, is in dispute, the Court may, upon the petition of the assignee, and after such notice to the claimant, his agent, or attorney, as the Court shall deem reasonable, order it to be sold, under the direction of the assignee, who shall hold the funds received in place of the estate disposed of; and the proceeds of the sale shall be considered the measure of the value or the property in any suit or controversy between the parties in any courts. But this provision shall not prevent the recovery of the property from the possession of the assignee by any proper action commenced at any time before the Coutr orders the sale.

EXAMINATION OF BANKRUPTS.

SECTION 26. *And be it further enacted,* That the Court may, on the application of the assignee in bankruptcy, or of any creditor, or without any application, at all times require the bankrupt, upon reasonable notice, to attend and submit to an examination, on oath upon all matters relating to the disposal or condition of his property, to his trade and dealings with others, and his accounts concerning the same, to all debts due to or claimed from him, and to all other matters concerning his property and estate and the due settlement thereof according to law, which examination shall be in writing, and shall be signed by the bankrupt, and filed with the other proceedings; and the Court may, in like manner, require the attendance of any other person as a witness, and if such person shall fail to attend on being summoned thereto, the Court may compel his attendance by warrant directed to the Marshal, commanding him to arrest such person and bring him forthwith before the Court, or before a register in bankruptcy, for examination as such witness. If the bankrupt is imprisoned, absent, or disabled from attendance, the Court may order him to be produced by the jailor, or any officer in whose custody he may be, or may direct the examination to be had, taken and certified, at such time and place and in such manner as the Court may deem proper, and with like effect as if such examination had been had in Court. The bankrupt shall at all times, until his discharge, be subject to the order of the Court and shall, at the expense of the estate, execute all proper writings and instruments, and do and perform all acts required by the Court, touching the assigned property or estate, and to enable the assignee to demand, recover, and receive all the property and estate assigned wherever situated; and for neglect or refusal to obey any order of the Court, such bankrupt may be committed and punished as for a contempt of court.—If the bankrupt is without the district, and unable to return and personally attend at any of the times or do any of the acts which may be specified or required pursuant to this section, and if it appears that such absence was not caused by willful default, and if, as soon as may be after the removal of such impediment, he offers to attend and submit to the order of the Court in all respects, he shall be permitted to do so with like effect as if he had not been in default. He shall also be at liberty from time to time, upon oath, to amend and correct his schedule of creditors and property, so that the same shall conform to the facts. For good cause shown, the wife of any bankrupt may be required to attend before the court to the end that she may be examined as a witness; and if such wife do not attend at the time and place specified in the order, the bankrupt shall not be entitled to a discharge unless he shall prove to the satisfaction of the Court that he was unable to procure the attendance of his wife. No bankrupt shall be liable to arrest during the pendency of the proceedings in bankruptcy in any civil action, unless the same is founded on some debt or claim from which his discharge in bankruptcy would not release him.

OF THE DISTRIBUTION OF THE BANKRUPT'S ESTATE.

SECTION 27. *And be it further enacted,* That all creditors whose debts are duly proved and allowed shall be entitled to share in the bankrupt's property and estate *pro rata,* without any priority or preference whatever, except that wages due from him to any operative, or clerk, or house servant to an amount not exceeding fifty dollars, for labor performed within six months next preceding the adjudication of bankruptcy, shall be entitled to priority, and shall be first paid in full:—*Provided,* That any debt proved by any person liable as bail, surety, guarantor, or otherwise, for the bankrupt shall not be paid to the person so proving the same until satisfactory evidence shall be produced of the payment of such debt by such person so liable, and the share to which such debt would be entitled may be paid into court, or otherwise held for the benefit of the party entitled thereto, as the Court may direct. At the expiration of three months from the date of the adjudication of bankruptcy in any case, or as much earlier as the Court may direct, the Court, upon request of the assignee, shall call a general meeting of the creditors, of which due notice shall be given, and the assignee shall then report, and exhibit to the Court and to the creditors just and true accounts of all his receipts and payments, verified by his oath, and he shall also produce and file vouchers for all payments for which vouchers shall be required by any rule of the Court; he shall also submit the schedule of the bankrupt's creditors and property as amended, duly verified by the bankrupt, and a statement of the whole estate of the bankrupt as then ascertained, of the property recovered and of the property outstanding, specifying the cause of its being outstanding; also, what debts or claims are yet undetermined, and stating what sum remains in his hands. At such meeting the majority in value of the creditors present shall determine whether any and what part of the net proceeds of the estate, after deducting and retaining a sum sufficient to provide for all undetermined claims which, by reason of the distant residence of the creditor, or for other sufficient reason, have not been proved, and for other expenses and contingencies, shall be divided among the creditors; but unless at least one-half in value of the creditors shall attend such meeting, either in person or by attorney, it shall be the duty of the assignee so to determine. In case a dividend is ordered, the Register shall, within ten days after such meeting, prepare a list of creditors entitled to dividend, and shall calculate and set opposite to the name of each creditor who has proved his claim the dividend to which he is entitled out of the net proceeds of the estate set apart for dividend, and shall forward by mail to every creditor a statement of the dividend to which he is entitled, and such creditor shall be paid by the assignee in such manner as the Court may direct.

SECTION 28. *And be it further enacted,* That the like proceedings shall be had at the expiration of the next three months, or earlier if practicable, and a third meeting of the creditors shall then be called by the Court, and a final dividend then declared, unless any action at law or suit in equity be pending, or unless some other estate or effects of the debtor afterward come to the hands of the assignee, in which case the assignee shall, as soon as may be, convert such estate or effects into money, and within two months after the same shall be so converted the same shall be divided in manner aforesaid. Further dividends shall be made in like manner as often as occasion requires; and after the third meeting of creditors no further meeting shall be called unless ordered by the Court. If at any time there shall be in the hands of the assignee any outstanding debts or other property due or belonging to the estate, which cannot be collected and received by the assignee without unreasonable or inconvenient delay or expense, the assignee may, under the direction of the Court, sell and assign such debts or other property in such manner as the Court shall order. No dividend already declared shall be disturbed by reason of debts being subsequently proved, but the creditor proving such debt shall be entitled to a dividend equal to those already received by the other creditors before any further payment is made to the latter. Preparatory to the final dividend, the assignee shall submit his account to the Court and file the same, and give notice to the creditors of such filing, and shall also give notice that he will apply for a settlement of his account and for a discharge from all liability as assignee, at a time to be specified in such notice, and at such time the Court shall audit and pass the accounts of the assignee; and such assignee shall, if required by the Court, be examined as to the truth of such account, and if found correct he shall thereby be discharged from all liability as assignee to any creditor of the bankrupt. The Court shall thereupon order a dividend of the estate and effects, or of such part thereof as it sees fit, among such of the creditors as have proved their claims, in proportion to the respective amount of their said debts. In addition to all expenses necessarily incurred by him in the execution of his trust, in any case, the assignee shall be entitled to an allowance for his services in such case on all moneys received and paid out by him therein for any sum not exceeding one thousand dollars, five per centum thereon; for any larger sum not exceeding five thousand dollars, two and a half per centum on the excess over five thousand dollars; and if, at any time, there shall not be in his hands a sufficient amount of money to defray the necessary expenses required for the further execution of his trust, he shall not be obliged to proceed therein until the necessary funds are advanced or satisfactorily secured to him. If, by accident, mistake, or other cause, without fault of the assignee, either or both of the said second and third meetings should not be held within the times limited, the Court may, upon motion of an interested party, order such meetings, with like effect as to the validity of the proceedings as if the meeting had been duly held. In the order for a dividend, under this section, the following claims shall be entitled to priority or preference, and to be first paid in full in the following order:

First.—The fees, costs, and expenses of suits, and the several proceedings in bankruptcy under this Act, and for the custody of property, as herein provided

Second. All debts due to the United States and all taxes and assessments under the laws thereof.

Third.—All debts due to the State in which the proceedings in bankruptcy are pending, and all taxes and assessments made under the laws of such State.

Fourth.—Wages due to any operative, clerk, or house-servant, to an amount not exceeding fifty dollars, labor performed within six months next preceding the first publication of the notice of proceeding in bankruptcy.

Fifth.—All debts due to any persons who, by the laws of the United States, are or may be entitled to a priority or preference, in like manner as if this act had not been passed: *Always provided,* That nothing contained in this act shall interfere with the assessment and collection of taxes by the authority of the United States or any State.

OF THE BANKRUPT'S DISCHARGE AND ITS EFFECT.

SECTION 29. *And be it further enacted,* That at any time after the expiration of six months from the adjudication of bankruptcy, or if no debts have been proved against the bankrupt, or if no assets have come to the hands of the assignee at any time after the expiration of sixty days, and within one year from the adjudication of bankruptcy, the bankrupt may apply to the Court for a discharge from his debts; and the Court shall thereupon order notice to be given by mail to all creditors who have proved their debts, and by publication at least once a week in such newspapers as the Court shall designate, due regard being had to the general circulation of the same in the district, or in that portion of the district in which the bankrupt and his creditors shall reside, to appear on a day appointed for that purpose, and show cause why a discharge should not be granted to the bankrupt. No discharge shall be granted, or, if granted, be valid if the bankrupt has wilfully sworn falsely in his affidavit annexed to his petition, schedule, or inventory, or upon any examination in the course of the proceedings in bankruptcy, in relation to any material facts concerning his estate or his debts, or to any other material fact; or if he has concealed any part of his estate or effects, or any books or writings relating thereto, or if he has been guilty of any fraud or negligence in the care, custody, or delivery to the assignee of the property belonging to him at the time of the presentation of his petition and inventory, excepting such property as he is permitted to retain under the provisions of this act, or if he has caused, permitted, or suffered any loss, waste, or destruction thereof; or if, within four months before the commencement of such proceedings, he has procured his lands goods, moneys, or chattels to be attached, sequestered, or seized on execution; or if, since the passage of this act, he has destroyed, mutilated altered, or falsified any of his books, documents, papers, writings, or securities, or has made or been privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors; or has removed or caused to be removed any part of his property from the district, with intent to defraud his creditors; or if he has given any fraudulent preference contrary to the provisions of this act, or made any fraudulent payment, gift, transfer, conveyance, or assignment of any part of his property, or has lost any part thereof in gaming, or has admitted a false or fictitious debt against his estate; or if, having knowledge that any person has proved such false or fictitious debt, he has not disclosed the same to his assignee within one month after such knowledge; or if, being a merchant or tradesman, he has not, subsequently to the passage of this act, kept proper books of account; or if he or any person in his behalf, has procured the assent of any creditor to the discharge, or influenced the action of any creditor at any stage of the proceeding by any pecuniary consideration or obligation; or if he has, in contemplation of becoming bankrupt, made any pledge, payment, transfer, assignment, or conveyance of any part of his property, directly or indirectly, absolutely or conditionally, for the purpose of preferring any creditor or person having a claim against him, or who is or may be under liability for him, or for the purpose of preventing the property from coming into the hands of the assignee, or of being distributed under this act in satisfaction of his debts; or if he has been convicted of any misdemeanor under this act, or has been guilty of any fraud whatever contrary to the true intent of this act; and before any discharge is granted, the bankrupt shall take and subscribe an oath to the effect that he has not done, suffered, or been privy to any act, matter, or thing specified in this act, as a ground for withholding such discharge, or as invalidating such discharge, if granted.

SECTION 30. *And be it further enacted,* That no person who shall have been discharged under this act, and shall afterwards become bankrupt on his own application shall be again entitled to a discharge whose estate is insufficient to pay seventy per centum of the debt proved against it, unless the assent in writing of three-fourths in value of his creditors who have proved their claims is filed at or before the time of application for discharge; but a bankrupt who shall prove to the satisfaction of the Court that he has paid all the debts owing by him at the time of any previous bankruptcy, or who has been voluntarily released therefrom by his creditors, shall be entitled to a discharge in the same manner and with the same effect as if he had not previously been bankrupt.

SECTION 31. *And be it further enacted,* That any creditor opposing the discharge of any bankrupt may file a specification in writing of the grounds of his opposition, and the Court may, in its discretion, order any question of fact so presented to be tried at a stated session of the District Court.

SECTION 32. *And be it further enacted,* That if it shall appear to the Court that the bankrupt has in all things conformed to his duty under this act, and that he is entitled, under the provisions thereof, to receive a discharge, the Court shall grant him a discharge from all his debts except as hereinafter provided, and shall give him a certificate thereof under the seal of the Court, in substance as follows:

DISTRICT COURT OF THE UNITED STATES.—DISTRICT OF ———.—Whereas, ——— has been duly adjudged a bankrupt under the act of Congress establishing a uniform system of bankruptcy throughout the United States, and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the Court that said ——— be forever discharged from all debts and claims which by said act are made provable against his estate, and which existed on the ——— day of ———, on which day the petition for adjudication was filed by (or against) him; excepting such debts, if any, as are by said act excepted from the operation of a discharge in bankruptcy. Given under my hand and the seal of the Court at ———, in the said district, this ——— day of ———, A. D., ———.

(Seal.) ———, Judge.

SECTION 33. *And be it further enacted,* That no debt created by the fraud or embezzlement of the bankrupt, or by his defalcation as a public officer, or while acting in any fiduciary character, shall be discharged under this act; but the debt may be proved, and the dividend thereon shall be a payment on account of said debt; and no discharge granted under this act shall release, discharge, or effect any person liable for the same debt for or with the bankrupt, either as partner, joint contractor, endorser, surety, or otherwise.—[And in all proceedings in bankruptcy commenced after one year from the time this act shall go into operation no discharge shall be granted to a debtor whose assets do not pay fifty per centum of the claims against his estate, unless the assent in writing of a majority in number and value of his creditors who have proved their claims is filed in the case at or before the time of application for discharge.]

SECTION 34. *And be it further enacted,* That a discharge duly granted under this act shall, with the exception aforesaid, release the bankrupt from all debts, claims, liabilities, and demands which were or might have been proved against his estate in bankruptcy, and may be pleaded, by a simple averment that on the day of its date such discharge was granted to him, setting the same forth in *hæc verba,* as a full and complete bar to all suits brought on any such debts, claims, liabilities, or demands, and the certificate shall be conclusive evidence in favor of such bankrupt of the fact and the regularity of such discharge: *Always provided,* That any creditor or creditors of said bankrupt, whose debt was proved or provable against the estate in bankruptcy, who shall see fit to contest the validity of said discharge on the ground that it was fraudlently obtained, may, at any time within two years after the date thereof, apply to the Court which granted it to set aside and annul the same. Said application shall be in writing, shall specify which, in particular, of the several acts mentioned in section twenty-nine it is intended to give evidence of against the bankrupt, setting forth the grounds of avoidance, and no evidence shall be admitted as to any other of said acts, but said application shall be subject to amendment at the discretion of the Court.—The Court shall cause reasonable notice of said application to be given to said bankrupt, and order him to appear and answer the same within such time as to the court shall seem fit and proper. If upon hearing of said parties the Court shall find the fraudulent acts, or any of them, set forth as aforesaid by said creditor or creditors against the bankrupt are proved, and that said creditor or creditors had no knowledge of the same until after the granting of said discharge, judgment shall be given in favor of said creditor or creditors, and the discharge of said bankrupt shall be set aside and annulled. But if said Court shall find that said fraudulent acts, and all of them set forth as aforesaid, are not proved, or that they were known to said creditor or creditors before the granting of said discharge, then judgment shall be rendered in favor of the bankrupt, and the validity of his discharge shall not be affected by said proceedings.

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PREFERENCES AND FRAUDULENT CONVEYANCES DECLARED VOID.

SECTION. 35. *And be it further enacted*, That if any person, being insolvent, or in contemplation of insolvency, within four months before the filing of the petition by or a aginst him, with a view to give a preference to any creditor or person having a claim against him, or who is under any liability for him, procures any part of his property to be attached, sequestered, or seized on execution, or makes any payment, pledge, assignment, transfer, or conveyance of any part of his property either directly or indirectly, absolutely or conditionally, the person receiving such payment, pledge, assignment, transfer, or conveyance. or to be benefited thereby, or by such attachment, having reasonable cause to believe such person is insolvent, and that such attachment, payment, pledge, assignment, or conveyance is made in fraud of the provisions of this act, the same shall be void. and the assignee may recover the property, or the value of it, from the person so receiving it, or so to be benefited; and if any person being insolvent, or in contemplation of insolvency or bankruptcy, within six months before the filing of the petition by or against him, makes any payment, sale, assignment, transfer, conveyance, or other disposition of any part of his property to any person who then has reasonable cause to believe him to be insolvent, or to be acting in contemplation of insolvency, and that such payment, sale, assignment, transfer, or other conveyance is made with a view to prevent his property from coming to his assignee in bankruptcy, or to prevent the same from being disturbed under this act, or to defeat the object of, or in any way impair, hinder, impede, or delay the operation and effect of, or to evade any of the provisions of this act, the sale, assignment, transfer, or conveyance shall be void, and the assignee may recover the property or the value thereof as the assets of the bankrupt. And if such sale, assignment, transfer, or conveyance is not made in the usual and ordinary course of business of the debtor, the fact shall be *prima facie* evidence of fraud. Any contract, covenant, or security made or given by a bankrupt or other person with, or in trust for any creditor for securing the payment of any money as a consideration for or with intent to induce the creditor to forbear opposing the application for discharge of the bankrupt, shali be void; and if any creditor shall obtain any sum of money or other goods, chattels, or security from any person as an inducement for forbearing to oppose, or consenting to such application for discharge, every creditor so offending shall forfeit all right to any share or dividend in the estate of the bankrupt, and shall also forfeit double the value or amount of such money, goods, chattels, or security so obtained, to be recovered by the assignee for the benefit of the estate.

BANKRUPTCY OF PARTNERSHIPS AND OF CORPORATIONS.

SECTION 36. *And be it further enacted*, That where two or more persons who are partners in trade shall be adjudged bankrupt, either on the petition of such partners, or any one of them, or on the petition of any creditor of the partners, a warrant shall issue in the manner provided by this act, upon which all the joint stock and property of the co-partnership, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as are herein before excepted; and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignee shall be chosen by the creditors of the company, and shall also keep separate accounts of the joint stock and property of the co-partnership and of the separate estate of each member thereof; and after deducting out of the whole amount received by such assignee the whole of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the co-partnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; and if there shall be any balance of the separate estate of any partner after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there shall be any balance of the joint stock after payment of the joint debts, such balance shall be divided and appropriated to and among the separate estates of the several partners, according to their respective right and interest therein, as it would have been if the partnership had been dissolved without any bankruptcy; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts; and the certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone under this act; and in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone. If such co-partners reside in different districts, that Court in which the petition is first filed shall retain exclusive jurisdiction over the case.

SECTION 37. *And be it further enacted*, That the provisions of this act shall apply to all moneyed, business, or commercial corporations and joint stock companies, and that upon the petition of any officer of any such corporation or company, duly authorized by a vote of a majority of the corporators present at any legal meeting called for the purpose, or upon the petition of any creditor or creditors of such corporation or company, made and presented in the manner hereinafter provided in respect to debtors, the like proceedings shall be had and taken as are hereinafter provided in the case of debtors; and all the provisions of this act which apply to the debtor, or set forth his duties in regard to furnishing schedules and inventories, executing papers, submitting to examinations, disclosing, making over, secreting, concealing, conveying, assigning, or paying away his money or property, shall in like manner, and with like force, effect, and penalties, apply to each and every officer of such corporation or company in relation to the same matters concerning the corporation or company, and the money and property thereof. All payments, conveyances, and assignments declared fraudulent and void by this act when made by a debtor shall, in like manner, and to the like extent, and with like remedies, be fraudulent and void when made by a corporation or company. No allowance or discharge shall be granted to any corporation or joint stock company, or to any person or officer or member thereof:—*Provided*, That whenever any corporation, by proceedings under this act, shall be declared bankrupt, all its property and assets shall be distributed to the creditors of such corporation in the manner provided in this act in respect to natural persons.

OF DATES AND DEPOSITIONS.

SECTION 38. *And ae it further enacted*, That the filing of a petition for adjudication in bankruptcy, either by a debtor in his own behalf, or by any creditor against a debtor, upon which an order may be issued by the Court, or by a Register in the manner provided in section four, shall be deemed and taken to be the commencement of proceedings in bankruptcy under this act; the proceedings in all cases of bandruptcy shall be deemed matters of record, but the same shall not be required to be recorded at large, but shall be carefully filed, kept, and numbered in the office of the Clerk of the Court, and a docket only, or short memorandum thereof, kept in books to be provided for that purpose, which shall be open to public inspection. Copies of such records, duly certified under the seal of the Court, shall, in all cases be *prima facie* evidence of the fact therein stated. Evidence or examinations in any of the proceedings under this act may be taken before the Court or a Register in bankruptcy, *viva voce* or in writing, before a Commissioner of the Circuit Court, or by affidavit, or on commission, and the Court may direct a reference to a Register in bankruptcy, or other suitable person, to take and certify such examination, and may compel the attendance of witnesses, the production of books and papers, and the giving of testimony in the same manner as in suits in equity in the Circuit Court.

INVOLUNTARY BANKRUPTCY.

SECTION 39. *And be it further enacted*, That any person residing and owing debts as aforesaid who after the passage of this act shall depart from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors, or, being absent shall, with such intent, remain absent; or shall conceal himself to avoid the service of legal process in any action for the recovery of a debt or demand provable under this act; or shall conceal or remove any of his property to avoid its being attached, taken, or sequestered on legal process; or shall make any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, either within the United States or elsewhere, with intent to delay, defraud, or hinder his creditors; or who has been arrested and held in custody under or by virtue of mesnes process of execution issued out of any Court of any State, District, or Territory within which such debtor resides or has property, founded upon a demand in its nature provable against a bankrupt's estate under this act, and for a sum exceeding one hundred dollars, and such process is remaining in force and not discharged by payment, or in any other manner provided by the law of such State, District, or Territory applicable thereto, for a period of seven days; or has been actually imprisoned for more than seven days in a civil action, founded on contract, for the sum of one hundred dollars or upwards; or who, being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency, shall make any payment, gift, grant, sale, conveyance, or transfer of money, or other property, estate, rights, or credits; or give any warrant to confess judgment, or procure or suffer his property to be taken on legal process, with intent to give a preference to one or more of his creditors, or to any person or persons who are or may be liable to him as endorsers, bail, sureties, or otherwise, or with the intent, by such disposition of his property, to defeat or delay the operation of this act; or who, being a banker, merchant or trader, has fraudulently stopped or suspended, and not resumed payment of his commercial paper within a period of fourteen days, shall be deemed to have committed an act of bankruptcy, and, subject to the conditions hereinafter prescribed, shall be adjudged a bankrupt, on the petition of one or more of his creditors, the aggregate of whose debts provable under this act amount to at least two hundred and fifty dollars, provided such petition is brought within six months after the act of bankruptcy shall have been committed. And if such person shall be adjudged a bankrupt, the assignee may recover back the money or other property so paid, conveyed, sold, assigned, or transferred contrary to this act, provided the person receiving such payment or conveyance had reasonable cause to believe that a fraud on this act was intended, or that the debtor was insolvent, and such creditors shall not be allowed to prove his debt in bankruptcy.

SECTION 40. *And be it further enacted*, That upon the filing of the petition authorized by the next preceding section, if it shall appear that sufficient grounds exist therefor, the Court shall direct the order of an order requiring the debtor to appear and show cause, at a Court of Bankruptcy to be holden at a time to be specified in the order, not less than five days from the service thereof, why the prayer of the petition should not be granted; and may also, by its injunction, restrain the debtor, and any other person, in the mean time, from making any transfer or disposition of any part of the debtor's property not excepted by this act from the operation thereof and from any interference therewith; and if it shall appear that there is probable cause for believing that the debtor is about to leave the district, or to remove or conceal his goods and chattels or his evidence of property, or make any fraudulent conveyance or disposition thereof, the Court may issue a warrant to the Marshal of the district, commanding him to arrest the alleged bankrupt and him safely keep, unless he shall give bail to the satisfaction of the Court for his appearance from time to time, as required by the Court, until the decision of the Court upon the petition or the further order of the Court, and forthwith to take possession provisionally of all the property and effects of the debtor, and safely keep the same until the further order of the Court. A copy of the petition and of such order to show cause shall be served on such debtor by delivering the same to him personally, or leaving the same at his last or usual place of abode; or, if such debtor cannot be found, or his place of residence ascertained, service shall be made by publication, in such manner as the Judge may direct. No further proceedings, unless the debtor appear and consent thereto, shall be had until proof shall have been given, to the satisfaction of the Court, of such service or publication; and if such proof be not given on the return day of such order, the proceedings shall be adjourned, and an order made that the notice be forthwith so served or published.

SECTION 41. *And be it further enacted*, That on such return day, or adjourned day, if the notice has been duly served or published, or shall be waived by the appearance and consent of the debtor, the Court shall proceed summarily to hear the allegations of the petitioner and debtor, and may adjourn the proceedings from time to time, on good cause shown, and shall, if the debtor on the same day so demand in writing, order a trial by Jury at the first term of the Court at which a Jury shall be in attendance, to ascertain the fact of such alledged bankruptcy; and if upon such hearing or trial the debtor proves to the satisfaction of the Court or of the Jury, as the case may be, that the facts set forth in the petition are not true, or that the debtor has paid and satisfied all liens upon his property, in case the existence of such liens were the sole ground of proceeding the proceedings hall be dismissed and the respondent shall recover his costs.

SECTION 42. *And be it further enacted*, That if the facts set forth in the petition are found to be true, or if default be made by the debtor to appear pursuant to the order, upon due proof of service thereof being made, the Court shall adjudge the debtor to be a bankrupt, and, as such, subject to the provisions of this act, and shall forthwith issue a warrant to take possession of the estate of the debtor. The warrant shall be directed, and the property of the debtor shall be taken thereon, and shall be assigned and distributed in the same manner and with similar proceedings to those herein before provided for the taking possession, assignment, and distribution of the property of the debtor upon his own petition. The order of adjudication of bankruptcy shall require the bankrupt forthwith, or within such number of days, not exceeding five after the date of the order or notice thereof, as shall by the order be prescribed, to make and deliver, or transmit by mail, postpaid, to the messenger, a schedule of the creditors and an inventory of his estate in the form, and verified in the manner required of a petitioning debtor by section thirteen. If the debtor has failed to appear in person, or by attorney, a certified copy of the adjudication shall be forthwith served on him by delivery or publication in the manner herein before provided for the service of the order to show cause; and if the bankrupt is absent or cannot be found, such schedule and inventory shall be prepared by the messenger and the assignee from the best information they can obtain. If the petitioning creditor shall not appear and proceed on the return day, or adjourned day, the Court may, upon the petition of any other creditor, to the required amount, proceed to adjudicate on such petition, without requiring a new service or publication of notice to the debtor.

OF SUPERCEDING THE BANKRUPT PROCEEDINGS BY ARRANGEMENT.

SECTION 43. *And be it further enacted*, That if at the first meeting of creditors, or at any meeting of creditors to be specially called for that purpose, and of which previous notice shall have been given for such length of time and in such manner as the Court may direct, three-fourths in value of the creditors whose claims have been proved shall determine and resolve that it is for the interest of the general body of the creditors that the estate of the bankrupt should be wound up and settled, and distribution made among the creditors by trustees, under the inspection and direction of a committee of the creditors, it shall be lawful for the creditors to certify and report such resolution to the Court, and to nominate one or more trustees to take and hold and distribute the estate, under the direction of such committee. If it shall appear to the Court, after hearing the bankrupt and such creditors as may desire to be heard, that the resolution was duly passed, and that the interests of the creditors will be promoted thereby, it shall confirm the same; and upon the execution and filing by or on behalf of three-fourths in value of all the creditors whose claims have been proved of a consent that the estate of the bankrupt be wound up and settled by said trustees according to the terms of such resolution, the bankrupt or his assignee in bankruptcy, if appointed, as the case may be, shall, under the direction of the Court, and under oath, convey, transfer, and deliver all the property and estate of the bankrupt to the said trustee or trustees, who shall, upon such conveyance and transfer, have and hold the same in the same manner, and with the same powers and rights, in all respects, as the bankrupt would have had or held the same if no proceedings in bankruptcy had been taken or as the assignee in bankruptcy would have done had such resolution not been passed; and such consent, and the proceedings thereunder shall be as binding in all respects on any creditor whose debt is provable, who has not signed the same, as if he had signed it, and on any creditor, whose debt, if provable, is not proved, as if he had proved it; and the Court, by order, shall direct all acts and things needful to be done to carry into effect such resolution of the creditors, and the said trustees shall proceed to wind up and settle the estate under the direction and inspection of such committee of the creditors, for the equal benefit of all such creditors, and the winding up and settlement of any estate under the provisions of this section shall be deemed to be proceedings in bankruptcy under this act; and the said trustees shall have all the rights and powers of assignees in bankruptcy. The Court, on the application of such trustees, shall have power to summon and examine, on oath or otherwise, the bankrupt, and any creditor, and any person indebted to the estate, or known or suspected of having any of the estate in his possession, or any other person whose examination may be material or necessary to aid the trustees in the execution of their trust, to compel the attendance of such persons and the production of books and papers in the same manner as in other proceedings in bankruptcy under this act; and the bandrupt shall have the like right to apply for and obtain a discharge after the passage of such resolution and the appointment of such trustees as if such resolution had not been passed, and as if all the proceedings had continued in the manner provided in the preceding sections of this act. If the resolution shall not be duly reported, or the consent of the creditors shall not be duly filed, or if, upon its filing, the Court shall not think fit to approve thereof, the bankruptcy shall proceed as though no resolution had been passed, and the Court may make all necessary orders for resuming the proceedings. And the period of time which shall have elapsed between the date of the resolution and the date of the order for assuming proceeding shall not be reckoned in calculating periods of time prescribed by this act.

PENALTIES AGAINST BANKRUPTS.

SECTION 44. *And be it further enacted*, That from and after the passage of this act, if any debtor or bankrupt shall, after the commencement of proceedings in bankruptcy, secrete or conceal any property belonging to his estate, or part with, conceal, or destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, deed, document, or writing relating thereto, or remove, or cause to be removed, the same, or any part thereof, out of the district, or otherwise dispose of any part thereof, with intent to prevent it from coming into the possession of the assignee in bankruptcy, or to hinder, impede, or delay either of them in recovering or receiving the same, or make any payment, gift, sale, assignment, transfer, or conveyance of any property belonging to his estate with the like intent, or spends any part thereof in gaming; or shall, with intent to defraud, wilfully and fraudulently conceal from his assignee, or omit from his schedule any property or effects whatsoever; or if in case of any person having, to his knowledge or belief, proved a false or fictitious debt against his estate, he shall fail to disclose the same to his assignee within one month after coming to the knowledge or belief thereof; or shall attempt to account for any of his property by fictitious losses or expenses; or shall, within three months before the commencement of proceedings in bankruptcy, under the false color and pretence of carrying on business and dealing in the ordinary course of trade, obtain on credit from any person any goods or chattels with intent to defraud; or shall, with intent to defraud his creditors, within three months next before the commencement of proceedings in bankruptcy, pawn, pledge, or dispose of otherwise than by *bona fide* transactions in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit and remain unpaid for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any Court of the United States, shall be punished by imprisonment, with or without hard labor, for a term not exceeding three years.

PENALTIES AGAINST OFFICERS.

SECTION 45. *And be it further enacted*, That if any judge, register, clerk, marshal, messenger, assignee, or any other officer of the several courts of bankruptcy shall, for anything done or pretended to be done under this act, or under color of doing anything thereunder, wilfully demand or take, or appoint or allow any person whatever to take for him or on his account, of, for, or on account of any other person, or in trust for him or for any other person, any fee, emolument, gratuity, sum of money, or anything of value whatever, other than is allowed by this act, or which shall be allowed under the authority thereof, such person, when convicted thereof, shall forfeit and pay the sum of not less than $300, and not exceeding $500, and be imprisoned not exceeding three years.

SECTION 46. *And be it further enacted*, That if any person shall forge the signature of a Judge, Register, or other officer of the Court, or shall forge or counterfeit the seal of the Courts, or knowingly concur in using any such forged or counterfeit signature or seal for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such Judge, Register, or other officer, or a false or counterfeit seal of the Court subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, any such person shall be guilty of felony, and upon conviction thereof shall be liable to a fine of not less than $500, and not more than $5,000, and to be imprisoned not exceeding five years, at the discretion of the Court.

FINES AND COSTS.

SECTION 47. *And be it further enacted*, That in each case there shall be allowed and paid, in addition to the fees of the Clerk of the Court as now established by law, or as may be established by general order, under the provisions of this act, for fees in bankruptcy, the following fees, which shall be applied to the payment for the services of the Registers:

For issuing every warrant, $2.

For each day in which a meeting is held, $3.

For each order for a dividend, $3.

For every order substituting an arrangement by trust deed for bankruptcy, $2.

For every bond with sureties, $2.

For every application for any meeting in any matter under this act, $1.

For every day's service while actually employed under a special order of the Court, a sum not exceeding $5, to be allowed by the Court.

For taking depositions, the fees now allowed by law.

For every discharge when there is no opposition, $2.

Such fees shall have priority of payment over all other claims out of the estate, and before a warrant issues the petitioner shall deposit with the senior Register of the Court, or with the clerk, to be delivered to the register, $50 as security for the payment thereof; and if there are not sufficient assets for the payment of the fees, the person upon whose petition the warrant is issued shall pay the same, and the Court may issue an execution against him to compel payment to the Register.

Before any dividend is ordered, the assignee shall pay out of the estate to the messenger the following fees, and no more:

First.—For service of warrant, $2.

Second.—For all necessary travel, at the rate of five cents a mile each way.

Third.—For each written note to creditor named in the schedule, ten cents.

Fourth.—For custody of property, publication of notices, and other services, his actual and necessary expenses, upon returning the same in specific items, and making oath that they have been actually incurred and paid by him, and are just and reasonable, the same to be taxed or adjusted by the Court; and the oath of the messenger shall not be conclusive as to the necessity of said expenses.

For cause shown, and upon hearing thereon, such further allowance may be made as the Court in its discretion may determine.

The enumeration of the foregoing fees shall not prevent the judges, who shall frame general rules and orders in accordance with the provisions of section 10, from prescribing a tariff of fees for all other services of the officers of Courts of Bankruptcy, or from reducing the fees prescribed in this section in classes of cases to be named in their rules and orders.

OF MEANING OF TERMS AND COMPUTATION OF TIME.

SECTION 48. *And be it further enacted*, That the word "assignee" and the word "creditor," shall include the plural also; and the word "messenger" shall include his assistant or assistants, except in the provision for the fees of that officer. The word "marshal" shall include the marshal's deputies, the word "person" shall also include "corporation," and the word "oath" shall include "affirmation." And in all cases in which any particular number of days is prescribed by the act, or shall be mentioned in any rule or order of Court or general order which shall at any time be mads under this act, for the doing of any act, or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first, and inclusive of the last day, unless the last day shall fall on a Sunday, Christmas Day, or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the Fourth of July, in which case the time shall be reckoned exclusive of that day also.

SECTION 49. *And be it further enacted*, That all the jurisdiction, power, and authority conferred upon and vested in the District Court of the United States by this act in cases in bankruptcy are hereby conferred upon and vested in the Supreme Court of the District of Columbia, and in and upon the Supreme Courts of the several Territories of the United States, when the bankrupt resides in the said District of Columbia or in either of the said Territories. And in those judicial districts which are not within any organized circuit of the United Stases the power and jurisdiction of a Circuit Court in bankruptcy may be exercised by the District Judge.

SECTION 50. *And be it further enacted*, That this act shall commence and take effect as to the appointment of the officers created hereby, and the promulgation of rules and general orders, from and after the date of its approval.

Approved March 2, 1867.

For Sale and Rent.

FOR SALE.

ONE HOUSE AND LOT, on the corner of Fourth and Davis streets, known as the Laspeyre House; all necessary outhouses on the Lot, also, a good well of water.—Also the STORE on the front part of the Lot, opposite Mr. Thornton's Cart House. For terms or further particulars, inquire on the premises.

JOSEPH SWEENEY.

Dec. 28 77-tf

FOR RENT.

BAILEY'S STAR HOTEL, situated on Front street, Wilmington, N. C., together with all the HOUSEHOLD AND KITCHEN FURNITURE, with BAR ROOM, BARBER SHOP and BATH ROOM attached. Possession given immediately. Terms reasonable.

Apply to JAS. H. BAILEY,
Wilmington, N. C.

feb. 20 123-tf

For Rent.

THAT spacious Store on Water Street, lately occupied by Mitchell & Allen, 4 doors South of Chesnut, with or without the second floor, which is 66x70 feet.

ALSO,

Several Wharves on West side the river, and immediately adjoining the depot of the Wilmington & Manchester Railroad.

O. G. PARSLEY.

Nov. 20 46-tf

GEORGIA STATE LOTTERY!

FOR THE BENEFIT OF

THE "MASONIC ORPHAN'S HOME!"

THE Legislature of the State of Georgia, at its last session, granted to W. W. Boyd and others, a Grant to adopt a Lottery, or series of Lotteries and Agencies, to raise money for the purpose of building a Home for, and supporting Indigent Widows and Orphans—the Home to be called the "MASONIC ORPHAN'S HOME."

The grantees have associated with them, as a Board of Managers, some of the best citizens of this State, in the great work of benevolence and charity.

We call the attention of the public to the GRAND SCHEME below, and ask your patronage.

In purchasing tickets you will remember that should you fail to draw a prize, that your money will be strictly and Masonically applied to a charitable work.

GEORGIA STATE LOTTERY!

FOR THE BENEFIT OF
THE "MASONIC ORPHAN'S HOME!"

TO BE DRAWN IN OPEN PUBLIC,
—AT—
ATLANTA, GEORGIA,
—ON—

Wednesday, April 17, 1867---Class A.
Wednesday, May 15, 1867---Class B.
Wednesday, June 19, 1867---Class C.
Wednesday, July 17, 1867---Class D.

SCHEME THE SAME FOR EACH MONTH.

1 Prize of	$50,000 is	**$50,000**
1 Prize of	20,000 is	**20,000**
1 Prize of	10,000 is	**10,000**
1 Prize of	5,000 is	**5,000**
1 Prize of	2,500 } are	**5,000**
1 Prize of	2,500 }	
24 Prizes of	500 are	**12,000**
55 Prizes of	250 are	**13,750**
125 Prizes of	200 are	**25,000**
160 Prizes of	100 are	**16,000**

APPROXIMATION PRIZES.

9 Approximation Prizes of $500 each for the nine remaining units of the same ten of the No. drawing the $50,000 Prize are	**4,500**
9 Approximation Prizes of $250 each for the nine remaining units of the same ten of the No. drawing the $20,000 Prize are	**2,250**
9 Approximation Prizes of $200 each for the nine remaining units of the same ten of the No. drawing the $10,000 Prize are	**1,800**
9 Approximation Prizes of $100 each for the nine remaining units of the same ten of the No. drawing the $5,000 Prize are	**900**
18 Approximation Prizes of $100 each for the nine remaining units of the same ten of the Nos. drawing the $2,500 Prize are	**1,800**
424 Prizes, amounting to	**$168,000**

Whole Tickets, $12; Halves, $6; Quarters, $3; Eights, $1 50.

☞ All the Prizes above stated are Drawn at Every Drawing.

PLAN

Of these Great Lotteries, and Explanation of Drawings.

The numbers from 1 to 30,000, corresponding with the numbers on the Tickets, are printed on separate slips of paper and encircled with small tubes, and placed in a glass wheel. All the prizes in accordance wit the Scheme, are similarly printed and encircled, and placed in another glass wheel. The wheels are then revolved, and two boys, blindfolded, draw the Numbers and Prizes. One of the boys draws one number from the wheel of Nos. and at the same time the other boy draws out one prize from the wheel of prizes. The number and prize drawn out are exhibited to the audience, and whatever prize comes out is registered and placed to the credit of that number; and this operation is repeated until all the prizes are drawn out.

The Tickets are printed in the following style: They are divided into Quarters and Eighths, printed on the face of the Ticket. Four Quarters or eight Eighths bearing the same number, constitute a Whole Ticket.

PRIZES PAYABLE WITHOUT DISCOUNT.

W. W. BOYD,
Deputy Grand Master, Principal Manager,
Atlanta, Ga.

☞ Orders for Tickets by mail or express to be addressed to

L. R. BROADBENT, Ag't
Or W. W. BOYD, Principal Manager,
Atlanta, Ga.

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One Copy, one year,	$10 00

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WILL attend promptly to all business. Office in Journal Buildings.

march 2 132—1m*

MARSDEN BELLAMY,

ATTORNEY AT LAW,
Wilmington, N. C.,

OFFICE ON PRINCESS STREET, BETWEEN Front and Second streets, nearly opposite the Journal Office.

feb. 6 111-2m

THOS. D. MEARES,

ATTORNEY AT LAW,
Wilmington, N. C.,

Has resumed the practice of Law in the Courts of New Hanover, Sampson and Duplin counties.

feb. 2 108-tf

JOHN S. DANCY, of Tarboro', N. C., JOHN H. HYMAN, of Scotland Neck, N. C.
JOSEPH H. HYMAN, Late of Tarboro', N. C.

DANCY, HYMAN & CO.,

GENERAL COMMISSION MERCHANTS,
No. 24 Exchange Place, New York.

Dec. 9 62—6m

First National Bank of Wilmington.

EDWIN E. BURRUSS, President.
A. K. WALKER, Cashier.

S. D. WALLACE,
A. J. DeROSSET,
JAS. H. CHADBOURNE,
WM. H. McRARY, } Directors.

THIS BANK is now open for the transaction of business.

GOLD AND SILVER COIN, Government Bonds and Securities,

NOTES OF SOLVENT and other State Banks purchased and sold.

EXCHANGE ON NORTHERN AND SOUTHERN CITIES always on hand and for sale.

COLLECTIONS made on all accessible points in the United States, with prompt returns.

DEPOSITS RECEIVED, and careful attention given to the accounts of business men.

Sept. 12 296-tf

C. H. ROBINSON, JAS. C. SMITH, F. G. ROBINSON, ALEX. R. SMITH, of Cumberland.

Robinson, Smith & Co.

SUCCESSORS TO C. H. ROBINSON & CO., and COSTIN & SMITH.

GENERAL COMMISSION MERCHANTS.
Wilmington, N. C.

Sep. 1 287—

MITCHELL & DYMOTT,

GAS AND STEAM PIPE FITTERS.
IN ALLEY IN REAR OF GLOBE SALOON,
WILMINGTON, N. C.,

Where all orders can be left, and will be promptly attended to.

Oct. 5 7-tf

Wilmington Bar.

J. H. N. CORNEHLSEN.

NO. 10, South Side Market Street, WILMINGTON, N. C.

☞ The best of LIQUORS always on hand.

Sept. 29 2-tf

MEDICAL NOTICE.

DR. JAS. F. McREE, Jr., HAS RESUMED the practice of Medicine, and may be found at his residence on Front street.

Oct. 4. 6—tf

Notices.

Bishop Atkinson's Appointments for the Spring Visitations of 1867.

Goldsborough...(Ash Wednesday)	March	6th
Kinston	"	8th
Newbern	"	10th
Beaufort	"	12th
Pugh's Chapel, Pitt County	"	15th
Trinity Church, Beaufort County	"	16th
Washington, " "	"	17th
Zion Church, " "	"	19th
Bath, " "	"	20th
Durham's Creek, " "	"	21st
Middleton. Hyde	"	24th
Plymouth	"	27th
St. Luke's Church, Washington, Co.	"	28th
St. David's " " "	"	31st
Edenton	April	3rd
Hertford, Perquimons County	"	5th
Elizabeth City	"	7th
Lassiter's Chapel, Gates County	"	10th
Gatesville, " "	"	11th
Windsor, Bertie "	"	14th
Woodville, " "	"	15th
Murfreesborough,	"	17th
Jackson	"	18th
Halifax...(Good Friday)	"	19th
Tarborough...(Easter)	"	21st
Scotland Neck	"	23rd
Williamston	"	26th
Greenville	"	28th
Wilson	"	30th

NOTICE.

ON and after this date, all work done at our establishment must be paid for before delivering the same. except by special contract.

HART & BAILEY.

feb. 10 115-3m.

GODWIN & CO.

THE Subscribers hereby give notice to their friends and the public generally, that they have formed a Copartnership under the name and style of GODWIN & CO., for the purpose of doing a General Commission and Forwarding business in Wilmington, N. C., on and after the 19th of April next.

Orders solicited, and prompt personal attention given to all business entusted to their care.

C. GODWIN,
A. D. BROWN.

march 7 136-2m

HEADING! HEADING!

ASH and White Oak Heading
Wanted by
PETTEWAY & MOORE.

feb. 21 124-tf

ANOTHER CARGO NEW CROP CUBA MOLASSES TO ARRIVE.

WE shall have another cargo New Crop Cuba Molasses in about ten days. Send in your orders promptly.

WORTH & DANIEL.

march 15 143-10t

DOCTOR R. CUTLAR,

DENTAL SURGEON,

OFFERS his Professional Services, in the practice of OPERATIVE and MECHANICAL Dentistry, to the public of Wilmington and surrounding country.

Office, for the present, at his place of residence, Northeast corner Second and Walnut streets.

march 20 147-6t

ALL KINDS OF BLANKS

FOR SALE
AT THE
JOURNAL OFFICE,

Business Cards.

RUSSELL, ELLIS & COX,

SHIPPING and Commissson Merchants, Wilmington, N. C.

jan. 15 92—1y

WM. S. & DUNCAN J. DEVANE,

ATTORNEYS AT LAW.
OFFICE North side Princess Street,
Second Building from Water Street,
Wilmington, N. C.

March 15 142-tf

James Shackelford,

SHIPPING
AND
COMMISSION MERCHANT,
No. 16 North Water Street, (up stairs,)
Wilmington, N. C.

Consignments of Merchandise and Country Produce solicited; and all business entrusted to my care will have my personal attention.

Lumber orders will have attention.

Oct. 5 7-tf

WM. H. JAMES. J. KENT BROWN.

JAMES & BROWN,

CIVIL ENGINEERS AND SURVEYORS,
AND
REAL ESTATE AGENTS.

PARTIES HAVING REAL ESTATE, CITY LOTS, Timber and Turpentine, Lands, &c., &c. to be desposed of, would do well to call on us, as through our connection with a New York General Agency, we have peculiar facilities for bringing such property to the notice of northern buyers.

Office old Bank of North Carolina, corner Princess and Front streets.

Feb. 19. 121-tf

D. G. WORTH. N. G. DANIEL.

WORTH & DANIEL,

COMMISSION AND FORWARDING MERCHANTS,

Brown's Wharves (T. C. and B. G. Worth's old stand) South Water Street,

Wilmington, N. C.,

WILL give strict personal attention to sale or shipment of Cotton, Naval Stores and general produce. Also, to receiving and forwarding Goods. Dealers in Bagging, Rope, Twine, Lime, Plaster, Cement, Hair, Salt, Coal, &c., &c.

Agents for River Steamers A. P. Hurt and Gov. Worth, and Steam and Sailing Lines to New York and Philadelphia.

Sept. 12. 296-tf

GEO. HARRISS, W. W. HARRISS, A. J. HOWELL.

HARRISS & HOWELL,

GENERAL COMMISSION MERCHANTS,
North Water Street, Wilmington, N. C.,
AND
196 Water Street, New York.

LIBERAL ADVANCES MADE ON CONSIGNMENTS to our New York House on Produce, which will be forwarded through free of commissions. Consignments are covered by insurances from ports and places in Northand South Carolina, by Railroad, Steamboat and Flats on the rivers to a shipping point, and thence to New York.

All shipments should be accompanied by Shipping Receipts and Invoices from points of shipment, when Insurance attaches through to New York.

Feb. 24 126-tf

JAMES McCORMICK,

MERCHANT TAILOR,
No. 35 Broad Street, Charleston, S. C.
WHOLESALE AND RETAIL DEALER IN
CLOTHS, CASSIMERES AND VESTINGS
GENTS' AND BOYS' READY MADE CLOTHING; FURNISHING GOODS; TAILORS' TRIMMINGS, ETC.

July 4.

The North Carolinian.

"This is my own my native land."

THIS JOURNAL, independent in all things, neutral in nothing, is published Semi-Weekly at Wilson, North Carolina, at Five Dollars a year. It is the largest and handsomest political paper in the State, and containing as it does, a large amount of the most choice family reading, and literary selections, it is fast becoming the most popular newspaper of the South.

Located centrally, in the leading agricultural and business section of North Carolina, it is one of the best advertising mediums in the country.

No advertisement will be inserted, until we are entirely satisfied of the legitimate character of the business.

Send for specimen copies.

HEARNE & DUNHAM, EDITORS.
C. S. McDANIEL, Publisher.

Oct. 28

EXTRA CHOICE GOSHEN BUTTER.

CREAM, Factory and Dairy Cheese,
OLIVES, CAPERS, CHOW-CHOW,
SARDINES, MACCARONI, VERMICELLI,
PRESEVED FRUITS, JELLIES, GELLATINE,
BAKING AND WASHING SODA,
&c., &c., &c., &c., &c., &c.

At GEO. Z. FRENCH'S,
10 South Front Street.

march 17 145—

BONE PHOSPHATE OF LIME.

ANOTHER lot just received.

WOOLSTEN'S AMMONIATED BONE PHOSPHATE OF LIME.
WHITELOCK'S "CEREALIZER."

These Fertilizers are prepared expressly for Corn and Cotton culture, are highly recommended and represented as equal to any in use.

Samples may be seen at our office.

DeROSSETT & CO.

march 17 145-1w
Dispatch copy.

OLD NORTH STATE SALOON.

THE UNDERSIGNED has refitted and opened the SALOON on Front street, formerly known as the "Globe Saloon." The BAR will be supplied with the choicest Foreign and Domestic Liquors. LUNCH served at all hours. The patronage of the public is respectfully solicited.

KLANDIR & MATHIAS.

march 19 146-3w

STAPLE AND FANCY DRY GOODS.

PRINTS, MUSLINS.
LAWNS, DELAINES,
CHALLIES, POPLINS,
BLEACHED and BROWN COTTONS,
SHEETINGS, TICKINGS, HOMESPUNS,
Linen and Cotton Drills, &c., very cheap for *cash*.

HEDRICK & RYAN.

march. 17 145-tf

100 BARRELS SUGARS,

EVERY grade,
60 BAGS COFFEE,
JAVA, LAGUAYRA and RIO,
100 barrels and boxes CRACKERS, every kind.
150 boxes CANDLES,
SPERM, ADAMANTINE and TALLOW.
100 boxes CANDY,
assorted and fancy.
50 boxes CHEESE,
PINE APPLE, ENGLISH DAIRY,
EXTRA CREAM, FACTORY and STATE.
40 barrels WHISKEY,
300 cases WINES and LIQUORS.
We offer the above to
CASH BUYERS
at the lowest prices.

GEO. MYERS, 11 and 13 Front street.
CHAS. D. MYERS, Ag't.

march 20 147—
Dispatch copy.

100 BARRELS FLOUR,

FAMILY and EXTRA FAMILY,

Very superior, and at the lowest cash prices, at GEO. MYERS', 11 and 13 Front street.

CHAS. D. MYERS, Ag't.

march 20 147—

25 BARRELS AND HALF BARRELS

NO. 1 and 2 MACKEREL, at
GEO. MYERS', 11 and 13 Front street.
CHAS. D. MYERS, Ag't.

march 20 147—

Business Cards.

R. M. COX. CHAS. PARMALEE. JOHN F. DIVINE.

COX, PARMALEE & DIVINE,

WHOLESALE GROCERS AND COMMISSION MERCHANTS,
WILMINGTON, N. C.

Office in Flanner's building, North Water street, near Wilmington and Weldon Railroad Depot.

feb. 24 128-tf

SAM'L. N. CANNON. JAMES STOKLEY.

CANNON & STOKLEY,

GROCERS & COMMISSION MERCHANTS,
No. 4 South Water Street,
WILMINGTON, N. C.

Oct. 5 7-tf

S. W. VICK, of Wilmington. C. P. MEBANE, of Alamance county.
W. D. REYNOLDS & BRO., of Norfolk, Va.

VICK, MEBANE & CO.,

GROCERS,
FORWARDING AND COMMISSION MERCHANTS,
Corner Chesnut and Water Streets,
Wilmington, N. C.

Sept. 29 2-tf

JOS. R. BLOSSOM. THOS. EVANS.

EMPIRE DISTILLERY.

J. R. BLOSSOM & EVANS.

Manufacturers of Spirits Turpentine, Rosin, Tar, Pitch.

WILMINGTON, N. C.

June 26 230—tf

J. T. PETTEWAY. ROGER MOORE.

PETTEWAY & MOORE.

GENERAL COMMISSION MERCHANTS,
North Water Street, WILMINGTON, N. C.

PROMPT PERSONAL attention given to the sale orshipment of COTTON, NAVAL STORES, LUMBER, and other produce.

Orders solicited for Merchandise.

Have constantly on hand Fertilizers of all descriptions.

Oct. 14, 1866. 5—1y

A. J. DEROSSET, WM. L. DEROSSET, GRAHAM DAVES.

DeROSSET & CO.,

(Formerly DeRosset & Brown.)
ESTABLISHED 1839.
GENERAL COMMISSION MERCHANTS,
No. 6 North Water Street,
Wilmington, N. C.,

WILL GIVE PERSONAL ATTENTION TO the purchase and sale of produce of every description, and to receiving and forwarding goods.

Feb. 20 122-tf

ALFRED M. WADDELL,

ATTORNEY AT LAW,
WILMINGTON, N. C.

Office on Market, between 2d and 3d Streets.

Nov. 27. 52—

A. H. VanBOKKELEN,

Commission and Forwarding Merchant,
41½ North Water Street, Hall & Nutt's Wharves.
WILMINGTON, N. C.

CONSIGNMENTS OF COTTON, NAVAL STORES and other Southern Produce for sale or shipment, will receive prompt personal attention.

Merchandise and other articles forwarded to any point desired. Orders for purchase of Merchandise and consignments of same for sale solicited.

Nov. 1. 30-1y

HILTON STEAM SAW MILL.

O. G. PARSLEY, PROPRIETOR.
WILMINGTON, N. C.
1866.

ALL ORDERS WILL HAVE THE PERSONal attention of the Proprietor.

March 12. 140—tf

ALEX. JOHNSON, JR. E. T. McKETHAN.

ALEX. JOHNSON & CO.,

GROCERS AND COMMISSION MERCHANTS,
No. 8 South Water Street,
Wilmington, N. C.

Sept. 13 297-tf

WILKES MORRIS. MICHAEL CRONLY.

CRONLY & MORRIS,

AUCTIONEERS AND GENERAL AGENTS,
Wilmington, N. C.

Stocks, Real Estate and all description of merchandise bought and sold on commission.

Our personal attention given to any business intrusted to our charge.

From our long experience in the business, we feel warranted in referring to the public generally.

Sept. 28.

PETER MALLETT. CHARLES HOFFMAN.

GEORGE B. BAKER, with

MALLETT & HOFFMAN,

GENERAL COMMISSION MERCHANTS,
No. 16 North Water Street,
WILMINGTON, N. C.

June 28. 232—tf

PERUVIAN GUANO SUBSTITUTE!!!

BAUGH'S
RAW BONE
Super-Phosphate of Lime.

TRADE MARK

Manufactured under the formula originated in 1854 and patented by

BAUGH & SONS,
SOLE PROPRIETORS,
DELAWARE RIVER CHEMICAL WORKS,
Philadelphia, U. S. A.

This old established MANURE is manufactured from Bones that have not been burned or steamed, and it contains all their original organic matter.—It is active in its operation, and is a fertilizer of great durability. It does not exhaust the soil like Peruvian Guano, but on the contrary permanently improves it.

Previous to 1861 it was introduced into the Southern States to considerable extent, and again in 1865, where it has been used with remarkable success upon

Cotton, Corn, Tobacco, and all Crops.

A trial will convince any planter of its merits.—Pamphlets containing well-known Southern evidence furnished upon application to New York or Philadelphia offices.

☞ Sold by Dealers in all the principal cities and towns throughout the United States and British Provinces.

BAUGH & SONS,
Sole Manufacturers,
Office, No. 20 South Delaware Avenue.
PHILADELPHIA.

BAUGH BROTHERS & CO.
GENERAL WHOLESALE AGENTS,
181 PEARL STREET, NEW YORK.
WORTH & DANIEL, Agents,
WILMINGTON, N. C.

jan. 8 86-3m*

WANTED,

A SITUATION as Teacher by a young Lady with six years experience. Will teach all the English branches thoroughly. Brings excellent testimonials as to scolarship and character. Will allow soldiers' orphans free of charge. Will accept a small salary, as she is without a home, occasioned by the war. Apply soon, for name and address, at the Journal office.

feb. 26 128-tf

BONDED WAREHOUSE

FOR the storage of goods, subject to United States Internal Revenue tax, is now established here, in charge of

JACOB LOEB,
of the firm of James Anderson & Co.

march 6 135-tf

Business Cards.

H. & G. W. LORD,

MANUFACTURERS AND DEALERS IN
SEINES, NETS AND TWINE,
No. 89 Commercial Street, Boston.

Orders for all descriptions of Nets executed promptly.

march 7 136-3m

M. U. FINLAYSON, A. J. FINLAYSON.

Finlayson & Bro.,

COMMISSION & FORWARDING MERCHANTS,
No. 5 North Water Street—Up Stairs,
Wilmington, N. C.

HAVING ESTABLISHED a general Commission and Forwarding House in Wilmington, we offer our services for the sale of Cotton, Naval Stores, and Produce of all descriptions, and to purchase for country merchants or others who may favor us with a call.

Consignments and orders respectfully solicited.

Prompt personal attention paid to all business entrusted to our care.

Liberal advances made on consignments.

July 13 244—1y.

Sol. Haas & Co.,

SHIPPING & COMMISSION MERCHANTS,
Water Street,
NEXT DOOR & ADJOINING THE STORE OF H. M. BARRY.

CASH ADVANCES MADE ON CONSIGNMENTS. Particular attention will be given to consignments of Lumber.

Sept. 27. 309-tf

New York and other Cards.

H. DOLLNER, G. POTTER, J. CAMERDEN.

Dollner, Potter & Co.,

COMMISSION MERCHANTS,
NEW YORK.

Liberal cash advances on consignments of Naval Stores, Cotton and other Southern produce.

Nov. 14 41-tf

J. B. STARR L. C. LINEBERRY.

STARR & LINEBERRY,

COMMISSION MERCHANTS,
No. 164 Front Street,
New York.

All consignments to us are covered by insurance from point of shipment, and fowarded by ALEX. JOHNSON & CO. through Wilmington free of commission.

Sept. 13 297-tf

Jas. L. Hathaway and Utley,

(Formerly HATHAWAY & Co., Importers of MOLASSES and SUGAR, Wilmington, N. C.)

Shipping and Commission Merchants,
171 PEARL STREET, NEW YORK.

We solicit consignments of Cotton, Naval Stores, Sheetings, Yarns, Tobacco, and other Southern Products, to the sale of which our prompt personal attention will be given. We will make liberal advances upon receipt of Invoice and Bill of Lading. All Merchandise and Produce shipped to us for sale are insured from point of shipment, with or without advice. Invoices should always accompany esch shipment.

Both of us having had over twenty years' experience in business in the South, and our J. L. HATHAWAY three years in New York, we feel confident we can secure full prices for our friends who will favor us with their consignments.

JAS. L. HATHAWAY, WM. R. UTLEY.

Aug. 22. 278—1y.

SPENCER D. C. VanBOKKELEN,

COMMISSION MERCHANT,
DEALER IN
NAVAL STORES, COTTON & PROVISIONS,
170 FRONT ST., NEW YORK.

SOLICITS CONSIGNMENTS OF COTTON, NAVAL STORES, and other Southern produce and Manufactures. and will fill orders for Merchandise, all of which will receive his prompt personal attention.

Consignments insured from point of shipment in all cases, unless otherwise directed.

A. H. VanBokkelen at Wilmington, N. C., will arrange advances, attend to shipment, pay taxes, freights and all other expenses on Consignments to me when desired.

Nov. 1. 30-1y

NEW AND THRILLING BOOK.

The Last Ninety Days of the War IN NORTH CAROLINA.

BY CORNELIA PHILLIP SPENCER.
Edited by Rev. Dr. Deems.

A PORTION OF THIS BOOK APPEARED in numbers of *The Watchman*, and attracted great attention in this country and Europe.

Re-written, enlarged with many most important additions, these chapters appear in a handsome volume. The very last acts of the war occurred in North Carolina; the writer was in the midst of them. Moreover, she has had access to the *private papers* of LEADING ACTORS, and to other sources of information.

No war-book which has yet appeared equals this book in *fidelity to truth* and in graphic and picturesque description. Nowhere else can the *important information* in this volume be obtained.

☞ It ought to be in the hands of every one who desires to know how the war was really carried on.

☞ It is a handsome 12mo volume of 288 pages, elegantly printed, and well bound, and sent by mail, *pre-paid*, for $1 50.

☞ *The usual deduction to the trade.*

☞ AGENTS wanted for this work *everywhere*, and *liberal* commissions allowed. Apply for circular.

W. H. CHASE, Publishing Agent,
119 Nassau st. (Room 20), N. Y.

_ Letters should be addressed to Box 5780 New York.

Nov. 7 35-tf

NOW OR NEVER.

IN order to make room for our

"SPRING STOCK"

we are selling the remainder of our

FALL AND WINTER CLOTHING
AT A HEAVY REDUCTION.

An elegant assortment of

SHOES, BOOTS, HATS, and
GENTLEMEN'S FURNISHING GOODS

constantly kept on hand which we have also reduced 26 per cent.

CLOTHING

made to order at short notice, and suits guaranteed to fit.

COUNTRY DEALERS

will find it to their advantage to examine our

STOCK

before purchasing elsewhere.

HAAS & CO.,
No. 5 and 7 Front street,
near Market, old stand of Hedrick & Ryan.

jan. 12 90-tf

GREAT INDUCEMENTS.

DRY GOODS, NOTIONS, &c., SELLING
AT A SACRIFICE.

THE Subscriber is now offering the remainder of his elegant and handsome assortment of

WINTER GOODS,

at panic prices, and will dispose of them at a great sacrifice, in order to make room for the

SPRING STOCK,

which he will soon receive from New York and Philadelphia.

The attention of the ladies especially, is invited to these

IMMENSE SACRIFICES.

H. HARTZ,
No. 17 Market Street.

march 1 131-tf

JOB WORK NEATLY EXECUTED AT THE JOURNAL OFFICE.